

Message Text

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ACTION ACDA-10

INFO OCT-01 AF-08 ARA-06 CIAE-00 DODE-00 EA-07 EUR-12

PM-04 H-02 INR-07 IO-13 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 SAJ-01

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TO SECSTATE WASHDC IMMEDIATE 1978

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E.O. 11652: N/A

TAGS: PARM, CCD

SUBJECT: ENMOD WORKING GROUP MEETING, AUGUST 20, 1976

REF: 6651

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1. SUMMARY: AFTER DEBATE ON ARTICLE I IN WHICH US AND

ARGENTINE DELS REITERATED THEIR SHARPLY DIVERGING VIEWS, INDIAN DEL SUGGESTED COMPROMISE INVOLVING DELETION OF "WIDESPREAD, LONG-LASTING, OR SEVERE" IN FIFTH PREAMBULAR PARA (RETAINING TERMS IN ARTICLE I), CHANGE IN PREAMBULAR PARA 6 THAT WOULD AFFIRM OBJECTIVE OF WORKING TOWARD PROHIBITION OF HOSTILE ENMOD, AND INTRODUCTION OF NEW PARA IN ARTICLE I INDICATING THAT REVCON CONFERENCE WOULD GIVE "SPECIAL REVIEW" TO PROVISIONS OF ART I, PARA ONE. SEVERAL DELS SUPPORTED INDIAN PROPOSAL AS REASONABLE COMPROMISE SOLUTION, ALTHOUGH US REP EXPRESSED STRONG RESERVATIONS. INDIA ALSO PROPOSED COMPROMISE ON ARTICLE III PROVISIONS CONCERNING INTERNATIONAL COOPERATION IN ENVIRONMENTAL MATTER, BUT US AND MEXICO RESTATED INCOMPATIBLE POSITIONS. WORKING GROUP ADOPTED REVCON PROVISION WHICH AVOIDS AUTOMATIC CONVENING OF SUCH CONFERENCES SUBSEQUENT TO FIRST ONE. END SUMMARY

2. US REP (MARTIN) BEGAN DISCUSSION OF ARTICLE I WITH A STRONG DEFENSE OF THE EXISTING WORDING, SAYING THAT THE THRESHOLD CONCEPT, AS EMBODIED IN THE PHRASE "WIDESPREAD, LONG-LASTING OR SEVERE," IS A MATTER OF PRINCIPLE FOR THE US. HE STATED THAT US DEL HAS BEEN ENGAGED IN PROTRACTED CONSULTATIONS WITH OTHERS IN THIS CENTRAL ISSUE, ON WHICH THERE SO FAR WAS NO CONSENSUS.

3. ARGENTINE ALT REP (OTEGUI) EXPRESSED STRONG SUPPORT FOR COMPREHENSIVE BAN AND REITERATED THAT "WIDESPREAD, LONG-LASTING, OR SEVERE" THRESHOLD WAS UNACCEPTABLE. HE STATED THAT ARGENTINA WOULD NOT BLOCK A CONSENSUS TO TRANSMIT TEXT FROM ENMOD WORKING GROUP TO CCD PLENARY, BUT INDICATED THAT IT WOULD OPPOSE CONVENTION IN CCD PLENARY AND JNGA IF EXISTING DIFFICULTIES WERE NOT REMEDIED.

4. BRAZILIAN REP (MASTROGIOVANNI) SPOKE IN SUPPORT OF THE THRESHOLD APPROACH, SAYING BRAZIL SHARED THE VIEWS OF MANY DELS THAT A COMPREHENSIVE BAN COULD CREATE UNNECESSARY COMPLICATIONS BASED ON QUESTIONS OF MINOR IMPORTANCE. PAKISTANI REP (SALEEM), SAID HIS GOVERNMENT WOULD PREFER DELETION OF THE WORDS "WIDESPREAD, LONG-LASTING OR SEVERE" BUT WOULD NOT BLOCK CONSENSUS BY INSISTING ON LIMITED OFFICIAL USE

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THIS POINT. HE DECLARED, HOWEVER, THAT THE DEFINITIONS OF THE TERMS ANNEXED TO THE TREATY MUST BE PRECISE ENOUGH TO AVOID ANY MISUNDERSTANDING, AND MUST ALSO BE REALISTIC ENOUGH TO TAKE INTO ACCOUNT THE ACTUAL INJURY TO ANY STATE PARTY.

5. INDIAN REP (MISHRA), DECLARING THAT THE ENMOD CONVENTION WILL STAND OR FALL ON ARTICLE I AND RELATED ISSUES, SAID

HE HAS BEEN SEARCHING FOR SOME WAY TO BREAK THE IMPASSE.
HE PROPOSED THE FOLLOWING THREE REVISIONS IN THE WORKING
DRAFT TEXT POINTING OUT THAT NONE AFFECTED THE BASIC
PROHIBITION AS STATED IN ARTICLE I (1):

(A) IN PAFA 5 OF THE REVISED PREAMBLE AS PROPOSED ON
JULY 12 BY THE CO-SPONSORS, DELETE THE PHRASE
"WIDESPREAD, LONG-LASTING OR SEVERE." THE PARA WOULD THEN
READ "RECOGNIZING, HOWEVER, THAT MILITARY OR ANY OTHER
HOSTILE USE OF SUCH TECHNIQUES COULD HAVE EFFECTS HARMFUL
TO HUMAN WELFARE;". (COMMENT: AS REPORTED PARA 3 REFTTEL,
FRG, SUPPORTED BY CANADA, CALLED FOR DELETION OF PHRASE
"MILITARY OR ANY OTHER" FROM THIS SAME PARA.)

(B) SUBSTITUTE THE FOLLOWING FOR PARA 6 OF THE REVISED
PREAMBLE: "DESIRING TO PROHIBIT MILITARY OR ANY OTHER
HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES, AND
AFFIRMING THEIR WILLINGNESS TO WORK FOR THE ACHIEVEMENT OF
THIS OBJECTIVE;".

(C) ADD A NEW PARA 3 TO THE EXISTING ARTICLE I: 3. THE
PROVISIONS OF PARAGRAPH 1, AS WELL AS THE INTERPRETATIONS
CONTAINED IN ANNEX....., SHALL BE THE SUBJECT OF SPECIAL
REVIEW AT THE CONFERENCE CONVENED PURSUANT TO ARTICLE VII BIS."
(MISHRA NOTED THAT THE REVCON ARTICLE WOULD BE APPROPRIATELY
RENUMBERED IN THE FINAL TEXT).

6. NETHERLANDS ALT REP (MEERBURG) SUPPORTED THE INDIAN
PROPOSALS, SAYING THEY ARE VERY REASONABLE AND THAT IF THEY
COULD FORM THE BASIS FOR A COMPROMISE, ACCEPTING THEM WOULD
BE WELL WORTH WHILE. YUGOSLAV REP (MIHAJLOVIC) PRAISED
THE INDIAN SUGGESTIONS, SAYING A TREATY PREAMBLE IS
CUSTOMARILY SUED TO EXPRESS GOALS FOR THE FUTURE, AND THAT
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HE DID NOT SEE HOW THERE COULD BE OBJECTION TO SETTING
THE GOALS INDICATED BY THE CHANGES. ROMANIAN REP (ENE)
ALSO SUPPORTED THE INDIAN PROPOSALS, DECLARING THAT THEY
EMBODY IDEAS QUITE CLOSE TO THE OVERALL VIEWS OF THE
ROMANIAN DELEGATION. FURTHER, ENE SAID, SINCE THE OPERATIVE
PART OF ARTICLE I WOULD NOT BE AFFECTED, THE
INDIAN PROPOSALS COULD FORM THE BASIS FOR A COMPROMISE
ACCEPTABLE BOTH TO THOSE WITH STRONG VIEWS IN FAVOR OF A
OF A THRESHOLD AND TO THOSE WHO BELIEVE THE TREATY SCOPE SHOULD
BE REVIEWED IN THE FUTURE.

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ACTION ACDA-10

INFO OCT-01 AF-08 ARA-06 CIAE-00 DODE-00 EA-07 EUR-12

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7. REGARDING THE INDIAN PROPOSALS, US REP (MARTIN& SAID
THAT IN HIS VIEW THE THRESHOLD PROVISIONS WILL EFFECTIVELY
ELIMINATE THE DANGERS OF HOSTILE USE OF ENMOD TECHNIQUES.
WHATEVER MARGINAL ARMS CONTROL ADVANTAGES MIGHT BE ACHIEVED
BY ELIMINATING THE THRESHOLD WOULD NOT BE PROPORTIONAL TO
THE SERIOUS COMPLICATIONS THAT WOULD ARISE IN TRYING TO
ENFORCE THE COMPREHENSIVE PROHIBITION. NONEHTELESS, IF IN
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THE FUTURE QUESTIONS ARISE CONCERNING THE TREATY'S EFFECTIVENESS, THESE COULD BE CONSIDERED A REVIEW CONFERENCES, WHICH WOULD DEAL WITH THE ENTIRE OPERATION OF THE TREATY, INCLUDING ITS SCOPE. THE EXISTING REVCON PROVISIONS CONTAINED IN ARTICLE VII BIS, WHICH THE US HAS ACCEPTED, WERE ADEQUATE TO ENSURE A SATISFACTORY TREATY REVIEW. MARTIN SAID THE INDIAN PROPOSALS WOULD BE GIVEN VERY SERIOUS STUDY; BUT HE COULD NOT BE OPTIMISTIC ABOUT GETTING AUTHORITY TO AGREE TO THE CHANGES.

8. WORKING GROUP THEN TURNED TO ARTICLE III. BRIEF DISCUSSION INDICATED THAT WHILE A REFERENDUM AGREEMENT EXISTED ON SEVERAL ASPECTS OF ARTICLE, INCLUDING CO-SPONSORS' PROPOSAL ON INFORMATION EXCHANGE, DISAGREEMENT REMAINED ON EXTENT TO WHICH CONVENTION SHOULD INCLUDE PROVISIONS ON INTERNATIONAL COOPERATION IN ENVIRONMENTAL MATTERS. STATING THAT HE WISHED TO GET THE ARTICLE III DEBATE OUT IN THE OPEN (IT HAD PREVIOUSLY BEEN CONFINED TO SMALL "CONTACT GROUPS"), INDIAN REP (MISHRA) PROPOSED THE FOLLOWING ADDITION TO THE ARTICLE III (2) TEXT (REPORTED PARA 11(D) REFTEL) DISCUSSED AT THE PRECEDING MEETING: "STATES PARTY TO THE CONVENTION IN A POSITION TO DO SO SHALL CONTRIBUTE, ALONE OR TOGETHER WITH OTHER STATES OR INTERNATIONAL ORGANIZATIONS, TO INTERNATIONAL ECONOMIC AND SCIENTIFIC COOPERATION IN THE UTILIZATION, PRESERVATION, AND IMPROVEMENT OF THE ENVIRONMENT FOR PEACEFUL PURPOSES."

9. MEXICAN REP (MARIN), SAYING THAT HIS DEL WOULD HAVE PREFERRED THE ARTICLE III DISCUSSIONS TO REMAIN IN THE CONTACT GROUP, READ OUT THE MEXICAN PROPOSAL FOR AN ADDITION TO ARTICLE III (2): "STATES PARTY TO THE CONVENTION IN A POSITION TO DO SO SHALL COOPERATE IN CONTRIBUTING, ALONE OR TOGETHER WITH OTHER STATES OR INTERNATIONAL ORGANIZATIONS, TO PROMOTING INTERNATIONAL ECONOMIC AND SCIENTIFIC COOPERATION IN THE UTILIZATION, PRESERVATION AND IMPROVEMENT OF THE ENVIRONMENT FOR PEACEFUL PURPOSES, WITH DUE CONSIDERATION FOR THE NEEDS OF THE DEVELOPING AREAS OF THE WORLD." THE MEXICAN FORMULATION WAS SUPPORTED BY ARGENTINA (OTEGUI), PAKISTAN (SALEEM), BRAZIL (MASTROGIOVANNI), EGYPT (EL IBRAHSHI), YUGOSLAVIA (MIHAJLOVIC), AND ROMANIA (ENE).

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10. US REP (MARTIN), ALSO STATING IT WOULD HAVE BEEN PREFERABLE IF ARTICLE III DISCUSSION HAD REMAINED IN THE CONTACT GROUP FOR THE TIME BEING, READ OUT THE US PROPOSAL, CONSISTING OF A PHRASE ADDED TO THE END OF THE EXISTING SENTENCE IN ARTICLE III(2): "... PURPOSES, AS A MEANS OF CONTRIBUTING TO INTERNATIONAL COOPERATION IN THE USE ENVIRONMENTAL

MODIFICATION TECHNIQUES FOR PEACEFUL PURPOSES." THE US FORMULATION WAS SUPPORTED BY CANADA (SIMARD). NETHERLANDS ALT REP (MEERBURG) SAID HE FOUND INDIAN FORMULATION PREFERABLE TO EITHER MEXICAN OR US ALTERNATIVES.

11. AFTER US REP (MARTIN) INDICATED PRELIMINARY ACCEPTANCE OF THE INDIAN IDEA (PARA 16 REFTTEL) ON PROVISIONS FOR CONVENING REVCONS SUBSEQUENT TO THE FIRST ONE, FOLLOWING AD REFERENDUM TEXT OF PARA 3 OF ARTICLE VII BIS WAS ADOPTED BY CONSENSUS OF THE WORKING GROUP: "3. IF NO REVIEWCONFERENCE HAS BEEN CONVENED PURSUANT TO PARAGRAPH 2 OF THIS ARTICLE WITHIN TEN YEARS FOLLOWING THE CONCLUSION OF A PREVIOUS CONFERENCE THE DEPOSITARY SHALL SOLICIT THE VIEWS OF ALL STATES PARTY TO THIS CONVENTION ON THE DESIRABILITY OF HOLDING SUCH A CONFERENCE. IF ONE-THIRD OR TEN OF THE STATED PARTY, WHICHEVER NUMBER IS LESS, RESPOND AFFIRMATIVELY, THE DEPOSITARY SHALL TAKE IMMEDIATE STEPS TO CONVENE THE CONFERENCE."

12. NEXT MEETING OF ENMOD WORKING GROUP IS SCHEDULED FOR MONDAY, AUGUST 23 AT 3:00 P.M. CATTO

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